

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ROSSI EDUARDO HENDERSON)	
)	
vs.)	Case No. 5:09-cv-08005-RDP-HGD
)	5:07-cr-00408-RDP-HGD
UNITED STATES OF AMERICA)	

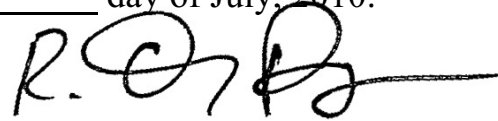
ORDER

On May 26, 2010, the Magistrate Judge's Report and Recommendation was entered and the parties were allowed therein fourteen days in which to file objections to the recommendations made by the magistrate judge. On June 9, 2010, Petitioner filed objections to the Magistrate Judge's Report and Recommendation.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation and Petitioner's objections thereto, the court hereby **ADOPTS** the Report of the Magistrate Judge. The court further **ACCEPTS** the Recommendations of the Magistrate Judge, and it is therefore **ORDERED**, **ADJUDGED** and **DECREED** that the Motion to Vacate, Set Aside or Correct Sentence, filed pursuant to 28 U.S.C. § 2255, is due to be and is hereby **GRANTED IN PART**. Counts 14 through 17 of the indictment in *United States v. Henderson*, Case No. 5:07-cr-00408-RDP-HGD, are to be **DISMISSED**. The 24-month

consecutive sentence which was imposed for the 18 U.S.C. § 1028A offenses is to be **DELETED** from Petitioner's judgment of conviction. An Amended Judgment and Commitment will be entered contemporaneously herewith.¹

DONE and **ORDERED** this 20th day of July, 2010.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

¹The court has corrected the sentence in *United States v. Henderson*, Case No. 5:07-cr-00408-RDP-HGD. The court **OVERRULES** Petitioner's objections which seek other relief, including home confinement or a halfway house. The court finds that even a partial non-custodial sentence would not be sufficient or reasonable in this case. *See* 18 U.S.C. § 3553(a).